

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DEKALB COUNTY, FULTON COUNTY, and COBB COUNTY, GEORGIA,)	
)	
)	
Plaintiffs,)	
)	CIVIL CASE NO.:
v.)	1:12-cv-03640-SCJ
)	
HSBC NORTH AMERICA HOLDINGS INC., ET AL.,)	
)	
Defendants.)	

DEFENDANTS’ MOTION TO DISMISS PLAINTIFFS’ COMPLAINT

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), the HSBC Defendants (collectively, “HSBC”), request that the Court dismiss Plaintiffs’ Complaint (the “Complaint”) against HSBC for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted, and show the Court the following:

1. The Plaintiffs’ Federal Housing Act, 42 U.S.C. § 3605 (“FHA”) claims are barred by the statute of limitations.
2. The Plaintiffs lack standing and the Court does not have subject matter jurisdiction over the Complaint.
3. The Complaint fails to state a claim upon which relief can be granted.

4. The FHA does not permit disparate impact claims.

5. A brief and two declarations in support of this motion are being filed contemporaneously. For the reasons more fully discussed in HSBC's Brief in Support of this Motion to Dismiss, HSBC requests that the Court dismiss all claims included in the Complaint, and grant HSBC such other and further relief as the Court deems HSBC to be entitled.

Respectfully submitted this 25th day of January, 2013.

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